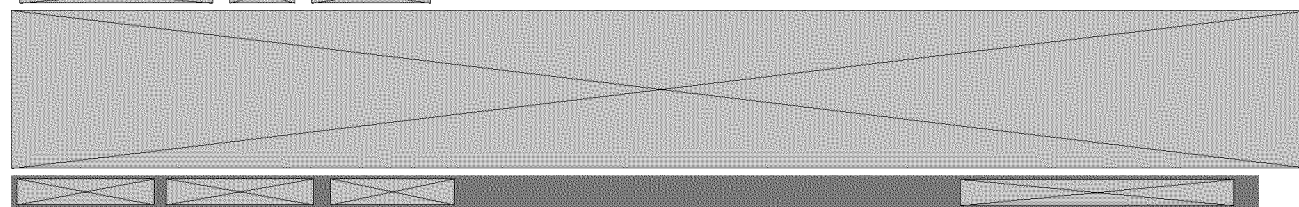


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August 21, 2015 - Number 162

MY HEADLINES

Anti-Fracking Forces Sue Ohio Secretary of State

Ohio residents looking to ban fracking through community rights charters adopted by popular vote are suing the secretary of state for denying their initiatives a place on the November ballot (Ohio ex rel v. Husted, Ohio, No. 2015-1371, 8/19/15. The lawsuit filed Aug. 19 with the Ohio Supreme Court accuses Secretary of State Jon Husted (R) with improperly refusing the proposals and repudiating "the peoples' right to initiative," even though residents of Medina, Fulton and ...

(Topic: oil and gas)

Breast-Fed Infants Exposed to Heat-Resistant Chemicals

A class of persistent chemicals linked with decreased immune function, cancer and other health problems builds up in breast-fed infants to surprising levels, according to the lead investigator of a study published Aug. 20.

(Agency: Environmental Protection Agency)

Canada Grants Permits for Nova Scotia LNG Projects

Canada issued approvals for two liquefied natural gas facilities planned in Nova Scotia to process domestic and imported natural gas, and to export the LNG to other countries, the National Energy Board said Aug. 13. It approved a 25-year license for Bear Head LNG Corp., for a maximum annual export of 19.4 billion cubic meters, and a 20-year export license for Pieridae Energy's Goldboro facility, with a maximum annual export of 16.675 billion cubic meters. Both facilities also received ...

(Topic: oil and gas)

Cleanup Pilot Program Urged for Western Mining Waste

Regulatory constraints inhibit the cleanup of abandoned mines that could spill wastewater and sediments into creeks and rivers throughout the West, Rep. Scott Tipton (R-Colo.) told a water conference Aug. 20.

(Topic: wastewater; Topic: water pollution)

EPA Deletes Hancock County, Ky., Site From NPL

The Environmental Protection Agency said it is deleting a site in Hancock County, Ky., from the Superfund program's list of most contaminated sites in a direct final rule scheduled for publication Aug. 21. The National Southwire Aluminum Co. Superfund Site in Hawesville has an active aluminum reduction facility that began operations in 1969, the EPA said. In 1994 the site was placed on the National Priorities List, because soil and groundwater had become contaminated from facility

(Agency: Environmental Protection Agency)

Federal Action Needed to Deal With Feedlot Waste

A federal appeals court upholds a decision that allowed leases between landowners and oil and gas companies to expire following New York's state ban on hydraulic fracturing. The Second Circuit rules that a federal district court's March 31 decision in favor of landowners was correct, affirming the lower court's opinion that 'force majeure' provisions in oil and gas leases did not serve to extend the leases' terms. The case affects leases between more than 30 landowners in Toga County, N.Y., and three energy companies: Inflection Energy LLC of Denver, Victory Energy Corp. of Austin, Texas, and Megaenergy Inc. of Itasca, N.Y. [More »](#)

July Warmest Month on Record, Environmental Data Show

Federal agencies have begun to address climate change considerations when reviewing the environmental impacts of projects but lack consistent guidelines for assessing those impacts, legal scholars say in a pair of reports outlining model protocols that could standardize the review process. While the White House Council on Environmental Quality has directed agencies to incorporate climate change impacts into the National Environmental Policy Act review process, the draft guidance does not provide reviewers with detailed instructions for how to conduct that assessment, one report says. [More »](#)

The EPA has identified and reviewed existing pharmaceuticals that may qualify as hazardous waste, the agency's inspector general says in a report. The agency also has established a process to review new pharmaceuticals to determine if they qualify for regulation as hazardous waste as it develops a rule to streamline the management of hazardous and nonhazardous pharmaceuticals, according to the report. Both actions were recommended by the inspector general three years ago. [More »](#)

One-Fifth of California Drought Attributed to Climate

California can blame about a fifth of the state's record drought on climate change, the clean energy industry is taking off, with thousands of photovoltaic systems and small wind turbines installed at homes and businesses each year. But customers need solid information before they make these purchases, and they need to know they are dealing with reputable and competent vendors and contractors. Warren Leon, an adjunct professor at Brandeis International Business School, writes in this Bloomberg BNA Insights article. Currently, there are no national standards for equipment and system installers, and states are taking the lead in protecting consumer interests, Leon says. [More »](#)

Scarcity to Increase U.S. Potable Water Reuse

Daily potable reuse of reclaimed municipal wastewater in the U.S. could be as much as 20 million cubic meters greater in 2025 than it is today, according to a recent forecast of U.S. water reuse by a Boston-based consultancy. Rep. Tipton tells the Colorado Water Congress conference. In the wake of a 3 million-gallon wastewater spill at the Gold King Mine, Tipton urges Congress to approve a pilot project in Colorado to remediate and clean up waste associated with inactive and abandoned mines. [More »](#)

Federal agencies have begun to address climate change considerations when reviewing the environmental impacts of projects but lack consistent guidelines for assessing those impacts, legal scholars say in a pair of reports outlining model protocols that could standardize the review process.

Railcar Company Can't Pursue Tort Claim for Cleanup Failure

A company that bought a contaminated site on the condition that the seller would conduct a cleanup can't pursue a tort claim against the seller for further contaminating the property, the U.S. District Court for the Western District of Missouri rules in a decision involving Milk Ranch LLC's lease cleanup and repair company and Compass Big Blue LLC. [More »](#)

There is no evidence that political appointees from the Obama administration interfere with or in any way influence the handling of Freedom of Information Act requests, the EPA inspector general says in a report. The report concludes that

HIGHLIGHTS

The requirements for the one-year National Ambient Air Quality Standard for sulfur dioxide will go into effect Sept. 21. The rule, signed by EPA Administrator Omid McCarthy Aug. 18, established three options for states to use to reach ambient levels of sulfur dioxide in areas with large emissions sources. Data collected by the states will be used to inform area designations for the current standard of 75 parts per billion sulfur dioxide, set in 2010. The EPA will take action. [Topic: air pollution](#) [Agency: Environmental Protection Agency](#)

SunEdison Solar Farm Price-Competitive With Natural Gas

SunEdison Inc., the largest clean-energy developer, began construction on a Colorado solar farm that will be the largest in the state and comes out ahead in short competition with natural gas. [Topic: oil and gas](#) [State: Colorado](#)

Western Gas Market Shrinks as Eastern Supplies Expand

Eight years ago, a group of companies led by Kinder Morgan Energy Partners began building a 35.8 billion pipeline to carry natural gas from America's Rocky Mountains to fuel-hungry markets in the East. [Topic: oil and gas](#)

Second Circuit Affirms New York Fracking Lease Decision

Scholars Model Climate 'Protocols' for NEPA Reviews

EPA Lists Pharmaceuticals That May Qualify as Hazardous Waste

BNA Insights: Consumer Protection Needed in Clean Energy Era

Cleanup Pilot Program Urged for Western Mining Waste

Missouri

EPA Inspector General Finds No Interference in FOIA Process

any delays in handling of FOIA requests were due to the volume and complexity of information involved. [More »](#)

Breast-Fed Infants Exposed to Heat-Resistant Chemicals: Study

A class of persistent chemicals linked with decreased immune function, cancer and other health problems builds up in breast-fed infants to surprising levels, according to a new study. The study provides new information about the amounts of five perfluorinated alkylates—including perfluorooctane sulfonate and perfluorooctanoic acid—that build up through breastfeeding. [More »](#)

One-Fifth of California Drought Attributed to Climate Change

California can blame about one-fifth of the state's record drought on climate change, according to a study to be published in the journal Geophysical Research Letters. Underground water supplies have been evaporating faster than they would have without the higher temperatures caused by greenhouse gas emissions, the study says. [More »](#)

Water Scarcity Predicted to Increase Potable Reuse of Wastewater

Driven by water scarcity from drought and increased demand, the daily potable reuse of reclaimed municipal wastewater in the U.S. could be as much as 2.5 million cubic meters greater in 2025 than now, according to a Boston-based consultancy. Total municipal wastewater reuse capacity is expected to increase by 10.1 million cubic meters per day by 2025, up about 61 percent from the current reuse capacity of 8.3 million cubic meters daily. [More »](#)

New Orleans, Anchorage in Climate Resilience Pilot Program

New Orleans and Anchorage, Alaska, are among 10 cities selected by the Obama administration for a new AmeriCorps program focused on building resilience in

communities especially vulnerable to the impacts of climate change. Projects will range from installing microgrids to setting up lines of support for residents who may need extra help in an emergency, such as the elderly and disabled. President Obama plans to visit New Orleans and Anchorage before the end of August and focus on the effects of climate change in both places. [More »](#)

Northern Pass Amends Transmission Line Proposal for New Hampshire

Northern Pass Transmission LLC alters its 187-mile, high-voltage transmission line project to have less of an impact on scenic areas of New Hampshire, officials announce. The project involves a transmission line that would carry 1,200 megawatts of hydropower from Quebec to the New England energy grid, and it has met with significant opposition from the New Hampshire public and officials. Critics point to the project's effect on the scenery of the White Mountain National Forest. [More »](#)

ALSO IN THE NEWS

CLIMATE CHANGE:

July was the world's warmest month in records going back to 1880, the National Centers for Environmental Information says. Combined land and sea temperatures were 1.46 degrees Fahrenheit (0.81 Celsius) above the 20th century average, according to a statement from the center in Asheville, N.C. In addition to setting a record for July, the first seven months of 2015 were the warmest ever, breaking the mark set in 2010. [More »](#)

ENDANGERED SPECIES:

The numbers of male greater sage grouse in the West have rebounded "significantly" from a recent low in 2013, says the Western Association of Fish and Wildlife Agencies. The number of males counted on leks, or traditional mating areas, has increased by 63 percent since 2013, the association says in a report. [More »](#)

WEBINAR

EMISSIONS TRADING:

Bloomberg BNA presents a webinar Sept. 25, "Don't Skip the Credits: The Oft-Overlooked Importance of Air Emission Credits in Mergers and Acquisitions," with Michael Scott Feeley and Aron Potash, of Latham & Watkins. CLE and CPE credits are available. Information is available at <http://www.bna.com/dont-skip-credits-m17179933676/>.

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Documents Available

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from Research & Custom Solutions. To order, call 800 372-1033; fax 703 341-1643; or e-mail research@bna.com.

BNA INSIGHTS

Consumer Protection: A New Era for Clean Energy

By Warren Leon: The clean energy industry is taking off, with thousands of photovoltaic systems and small wind turbines installed at homes and businesses each year. But customers need solid information before they make these purchases, and they need to know they are dealing with reputable and competent vendors and contractors. Currently, there are no national standards for equipment and system installers. But states are taking the lead in protecting consumer interests, with California ...

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